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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,929	08/20/2007	Holger Bauer	2003P15370WOUS	3756

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

WONGWIAN, PHUTTHIWAT

ART UNIT	PAPER NUMBER
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3741

MAIL DATE	DELIVERY MODE
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06/28/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,929	Applicant(s) BAUER ET AL.	
	Examiner PHUTTHIWAT WONGWIAN	Art Unit 3741	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/18/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/18/2006, 11/06/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is responsive to the amendment filed on 06/16/2010. Claims 1-8 have been canceled claims 9-17 have been added and accordingly claims 9-17 are currently pending in this application. The restriction requirement with respect to claims 1-8 mailed on 05/25/2010 have withdrawn, since claims 1-8 have been previously canceled. Newly restriction with respect to claims 9-17 is required, see below.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 9 -12 and 14-17, drawn to a gas turbine engine and an axial compressor, classified in class 60, subclass 785.
- II. Claim 13, drawn to a method for operating a gas turbine, classified in class 60, subclass 772.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions group I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case, the method as claimed in group II can be practiced with another materially different product that does not require any or all of the elements recited in group I such as a compressor

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housing coaxially surrounding the compressor and defining a cavity configured to thermally influence the housing.

4. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Election/Restrictions

5. Applicant's election without traverse of group I, claims 9-12 and 14-17 in the reply filed on 06/16/2010 is acknowledged (see the response to the restriction requirement, "Applicant is assuming that claims 9-12 are related to claims 1-3, claims

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13 is related to 4-5, claims 6-8 are related to 14-17"). Accordingly claim 13 has been withdrawn from consideration.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 9-12 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Chapman (US Patent No. 2,837,270).

8. As to claim 9, Chapman discloses a gas turbine (col. 1, line 10-12, "multi-stage axial flow compressors for gas turbine") having a compressor 26 (fig. 1), comprising: a compressor housing 16 (fig. 1) coaxially surrounding the compressor 26 (fig. 1) and defining a cavity 42 (fig. 2) configured to thermally influence the housing (fig. 2, inherent), and a tap line 48 (fig. 1) in flow communication with the cavity for [intended use] extracting a portion of a compressed fluid flow of the compressor; and a locking device 54 (fig. 1) arranged in line with the tap line and downstream of the cavity that locks off the extracted compressed flow through the tap line.

9. As to claim 14, Chapman discloses an axial flow compressor 26 (fig. 1) configured for [intended use] operation with a gas turbine engine, comprising: a compressor rotor 26 (fig. 1) arranged along an axis (fig. 1) of the compressor; a plurality of compressor blades 26 (fig. 1) arranged on the rotor in axial stages; a compressor

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housing 16 (fig. 1) coaxially surrounding the rotor and defining a cavity 42 (fig. 2) configured to thermally influence the housing (inherent), and a tap line 48 (fig. 1) in flow communication with the cavity for [intended use] extracting a portion of a compressed fluid flow of the compressor; and a plurality of stationary compressor blades 22 (fig. 1) secured to the housing arranged in axial stages; a locking element 54 (fig. 1) arranged in-line with the tap line to block off the flow of removed air.

10. As to claims 10-12 and 15-17, Chapman discloses the locking device is a valve 54 (fig. 1, col. 3, line 50k "The valves 52, 54 and 56"), wherein the tap line has an entrance (fig. 1, front of 54) and an exit (fig. 1, not shown, col. 3, line 25-26, "in the exhaust ports 48 and 50 respectively, are provided to permit air to be blown form one manifold to the other or to exhaust air externally of the compressor") and further comprising a second locking device 52 (fig. 1) arranged between the tap line 48 (fig. 1) entrance and the cavity 46 (fig. 1) that locks off the extracted compressed flow into the cavity and wherein the second locking device is a valve 52 (fig. 1).

11. Claims 9-10 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kervistin (US Patent No. 5,297,386).

12. As to claim 9-10 and 14-25, Kervistin discloses an axial flow compressor 2 (fig. 1) configured for [intended use] operation with a gas turbine engine, comprising: a compressor rotor 5a or 5b (fig. 1) arranged along an axis (fig. 1) of the compressor; a plurality of compressor blades 5a or 5b (fig. 1) arranged on the rotor in axial stages; a compressor housing 8 (fig. 1) coaxially surrounding the rotor and defining a cavity 14

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(fig. 1) configured to thermally influence the housing, and a tap line 17 (fig. 1) in flow communication with the cavity for [intended use] extracting a portion of a compressed fluid flow of the compressor; and a plurality of stationary compressor blades 6a or 6b (fig. 1) secured to the housing (indirectly secure to 8 via other elements) arranged in axial stages; a locking element 11 (fig. 1) arranged in-line with the tap line to block off the flow of removed air.

13. As to claims 10 and 15, Kervistin discloses the locking device is a valve 11 (fig. 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUTTHIWAT WONGWIAN whose telephone number is 571-270-5426. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL A. CUFF can be reached on 571-272-6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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/P. W./

Examiner, Art Unit 3741

/Michael Cuff/

Supervisory Patent Examiner, Art Unit 3741